

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

<b>KEVIN STRICKLAND</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Case No. 4:23-cv-313</b>
<b>v.</b>	)	
	)	
<b>KANSAS CITY, MISSOURI BOARD OF</b>	)	
<b>POLICE COMMISSIONERS, through its</b>	)	
<b>individual members,</b>	)	
<b>MARK TOLBERT, CATHY DEAN,</b>	)	
<b>DAWN CRAMER, THOMAS WHITTAKER,</b>	)	
<b>and QUINTON LUCAS, in their official</b>	)	
<b>capacities as members of the KANSAS CITY,</b>	)	
<b>MISSOURI BOARD OF POLICE</b>	)	
<b>COMMISSIONERS,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>Officers LARRY GILMER, GARY PARKER,</b>	)	
<b>DAVID BARTON, DONALD HANTON, and</b>	)	
<b>WILLIAM SCHWEITZER, in their individual</b>	)	
<b>and official capacities,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS' PARTIAL MOTION TO DISMISS**

COME NOW, Defendants Kansas City, Missouri Board of Police Commissioners, Mark Tolbert, Cathy Dean, Dawn Cramer, Thomas Whittaker, Quinton Lucas, Larry Gilmer, Gary Parker, David Barton, and Donald Hanton (collectively "Defendants"), by and through their attorneys, and move the Court to Dismiss Counts II, IV, V, VII, VIII, IX and X of Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be

granted for the reasons set forth in Defendants' Memorandum in Support, which is incorporated by reference.

WHEREFORE, based on the above and foregoing, Defendants' move for an Order from this Court dismissing Counts II, IV, V, VII, VIII, IX and X of Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6), and for such other relief this Court finds just and equitable.

Dated: May 30, 2023

Respectfully Submitted,

By: /s/ Nathan F. Garrett

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ATTORNEYS FOR DEFENDANTS

### **CERTIFICATE OF SERVICE**

This certifies that on the 30<sup>th</sup> day of May, 2023, the above and foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/ Nathan F. Garrett